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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,332	06/01/2001	Mitchell T. Berg	29820.12	2891

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,332

Applicant(s)

BERG, MITCHELL T.

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10, 16-26 and 29-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10, 16-26 and 29-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/5/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 2/10/06.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 6-10, 16-26, and 29-67 are presented for examination. The Office acknowledges the addition of claims 29-67.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on February 10, 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements has been considered by the examiner.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6, 16, 21, 26, 29-32, 34, 35, 37-42, 44, 45, 47-55, 57-65, and 67 are rejected under 35 U.S.C. 102(e) as being anticipated by Bestavros et al. (USPN 6,370,584) (hereinafter '584).

3. Referring to claim 6, '584 discloses an information processing system, comprising:

a first computing device (i.e. server) configured to:

receive a request packet originating from a client, the request packet including an identifier (i.e. an inherent feature of any TCP packet) (col. 3, lines 15-20);

in response to the request packet, identifying a computing device that is associated with the identifier (col. 3, lines 22-35);

when the identified computing device is the first computing device, performing an operation of a first application in response to the request packet (col. 3, lines 13-35).

when the identified computing device is a second computing device, outputting a second packet (i.e. once the packet is received by the first computing device, another packet must be constructed in order to send this information to the other computing device) to the second computing device for performing the operation of the first application in response to the second packet (col. 3, lines 15-20), the second packet including a reference (i.e. IP address/port of the client and destination servers included in the IP and TCP headers transmitted to/from the client and server) to a data structure (i.e. the session TCP/IP stack inherently created in order to establish communications between the client and server), the reference being included within a single header of the second packet (i.e. all that information is included in at least one header being sent to the destination host, in the case of IPIP encapsulation, the encapsulated IP header then becomes part of the payload, in the sense that it is just along for the ride, it does not refer to any processing characteristics until it reaches its destination) (col. 4, lines 12-42).

4. Claims 16, 21, and 26 are rejected for similar reasons as stated above.

Art Unit: 2143

5. Referring to claim 29, '584 discloses the first computing device is configured to identify the computing device associated with the identifier by determining whether the computing device stores the data structure of the connection with the client (i.e. based on the TCP connection establishment and termination between the clients and the group, the receiving computer determines which server would handle the request) (col. 3, lines 20-55).

6. Referring to claim 30, '584 discloses the second packet includes the request packet (i.e. '584 discloses using IP-IP encapsulation, which includes the packet within another packet) (col. 4, lines 35-42 and Perkins RFC 2003: IP Encapsulation within IP, Oct. 1996, page 3; which shows an outer IP layer over the packets existing IP layer).

7. Claim 31 is rejected for similar reasons as stated above.

8. Referring to claim 32, '584 discloses the port is a TCP port (col. 3, lines 20-35).

9. Referring to claim 34, '584 discloses the first computing device is configured to receive the request packet through a global computer network (i.e. network connecting clients to hosts in group 36) (Figure 2).

10. Referring to claim 35, '584 discloses outputting the second packet to the second computing device through a local area network (i.e. the VLAN) (col. 4, lines 12-33).

11. Referring to claim 37, an inherent feature of any device connected to a network is that it must have at least one network interface card, otherwise there would be no other way to connect to the network (col. 2, line 63 to col. 3, line 2).

12. Referring to claim 38, '584 discloses the first and second computing devices are servers in a server farm (the Office construes the term "server farm" as a plurality of servers which communicate with one another in some way, shape or form) (col. 4, lines 15-16; Figures 1-3).

13. Claims 39-42, 44, 45, 47-55, and 57 are rejected for similar reasons as stated above.

14. Referring to claim 58, '584 discloses the first information packet is addressed by the client to the first computing device and the means for receiving is configured to receive the first information packet in response to the addressing (i.e. "requested are directed from an individual client to an individual host...upon receiving a request from one of the client devices") (col. 3, lines 3-4, 17-18).

15. Claims 59-65 and 67 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7-10, 17-20, 22-25, 33, 36, 43, 46, 56 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over '584.

17. Referring to claims 7-10, '584 discloses the invention substantively as described in the claims above, however does not specifically state that the identifier is an HTTP session identifier, a URL identifier, or an SSL identifier. '584 does disclose that the state table is employed to reroute requests based on a plurality of attributes of the request such as requested service type, requested file, particular client, etc. (col. 3, lines 35-50). This would allow one of ordinary skill in the art to understand that numerous attributes can be utilized in order to route the request, which would lead one to use other fields in the request to be rerouted, such as HTTP session identifier, a URL identifier, or an SSL identifier. As such It would have been obvious to one of ordinary skill in the art to use an HTTP session identifier, a URL identifier, or an SSL identifier as the identifier to route the request in order to allow a system administrator the ability to create rules for rewriting which could take these values into consideration, thereby allowing greater throughput and more efficient processing of requests.

18. Claims 17-20, and 22-25 are rejected for similar reasons as stated above.

19. Referring to claim 33, '584 discloses the invention substantively as described in the claims above, however discloses the port is a TCP port, not a UDP port, however it is well known that the User Datagram Protocol utilizes source and destination ports and like TCP is used as a protocol to transfer information as an overlay to IP. By this rationale, "Official Notice" is taken that both the concept and advantages of providing for a UDP port instead of a TCP port is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the teaching of '584 to utilize UDP ports in order to send messages to other programs with a minimum of protocol mechanism as supported by Postel (RFC: 768, User Datagram Protocol, page 1, ¶ 2).

20. Referring to claim 36, '584 discloses the invention substantively as described in claim 6. '584 does not specifically disclose the client/server utilize a socket-based application, however it is well known that in order for programs on the clients to communicate with programs on servers, they must utilize a mechanism to communicate data between these processes, which is well known to be a socket. By this rationale, "Official Notice" is taken that both the concept and advantages of providing for a socket-based application is used on the server is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the teaching of '584 to include using a socket-based application in order to allow the server program to be able to communicate with various clients via a network.

Art Unit: 2143

21. Claims 43, 46, 56 and 66 are rejected for similar reasons as stated above.

Response to Amendment

22. The Office has considered the amendment to claim 21. The rejection under 35 USC 101 is withdrawn.

Response to Arguments

23. Applicant's arguments filed May 10, 2006 have been fully considered but they are not persuasive.

24. Applicant argues, in substance, that (1) '584 does not disclose the second packet including a reference to a data structure of a connection with the client, the reference to the data structure being included within a single header of the second packet.

25. As to point (1), Applicant is invited to review the rejection above which shows, in fact, that '584 does disclose this feature.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Art Unit: 2143

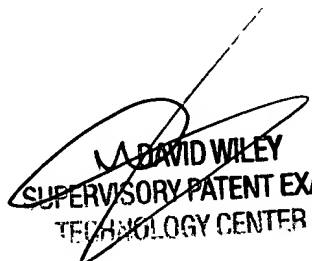
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA
June 27, 2006



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